

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-CV-62-BO-RN

HRA VILLAGE GREEN LLC,
Plaintiff,

v.

SONYA OWENS,
Defendant.


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ORDER

This tenant-landlord case was initially filed in Wake County Superior Court: HRA Village Green was evicting Sonya Owens. Sensing the proceeding was not going well, Owens removed the case to this District Court and filed a motion [DE 5] for an injunction to stop the eviction and a motion [DE 6] for a stay of the eviction proceeding. This Court may consider *sua sponte* whether it has subject matter jurisdiction. FED. R. CIV. P. 12(h)(3).

Federal subject-matter jurisdiction exists only where there is a federal question or diversity of citizenship between the parties. 28 U.S.C. §§ 1331, 1332. Owens does not claim this Court has diversity jurisdiction. Instead, Owens claims federal question jurisdiction based on the alleged violation of her civil rights. She claims violations of 28 U.S.C. §§ 1441, 1443, as well as 42 U.S.C. §§ 1981, 1983, 1985, and 1986. Simply listing federal statutes does not establish federal question jurisdiction. Plaintiff must plausibly allege a claim arising under federal law, and Owens has failed to do so. Therefore, Owens's motions [DE 5 & 6] are DENIED. Because Owens has not demonstrated that removal is proper, the Clerk is DIRECTED to REMAND the matter back to the Wake County Superior Court for North Carolina.

SO ORDERED, this 10 day of July, 2023.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE